U.S. DEPARTMENT OF COMMERCE
National Technical Information Service

PB-290 258

Air Pollution Regulations in State Implementation Plans: Florida

Abcor Inc, Wilmington, MA Walden Div

Prepared for

Environmental Protection Agency, Research Triangle Park, NC

Aug 78

PB 290258

United States
Environmental Protection
Agency

Office of Air Quality
Planning and Standards
Research Triangle Park NC 27711

EPA-450/3-78-059
August 1978

Air

EPA

Air Pollution Regulations in State Implementation Plans: Florida

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U. S. DEPARTMENT OF COMMERCE
SPRINGFIELD, VA. 22161

68

TECHNICAL REPORT DATA
(Please read Instructions on the reverse before completing)

1. REPORT NO. EPA-450/3-78-059	2.
3. RECIPIENT'S ACCESSION NO. PB 290258	
4. TITLE AND SUBTITLE Air Pollution Regulations in State Implementation Plans: Florida	5. REPORT DATE August 1978
	6. PERFORMING ORGANIZATION CODE
7. AUTHOR(S)	8. PERFORMING ORGANIZATION REPORT NO.
9. PERFORMING ORGANIZATION NAME AND ADDRESS Walden Division of Abcor, Inc. Wilmington, Mass.	10. PROGRAM ELEMENT NO.
	11. CONTRACT/GRANT NO. 68-02-2890
12. SPONSORING AGENCY NAME AND ADDRESS Control Programs Development Division Office of Air Quality Planning and Standards Office of Air, Noise, and Radiation Research Triangle Park, NC 27711	13. TYPE OF REPORT AND PERIOD COVERED
	14. SPONSORING AGENCY CODE

15. SUPPLEMENTARY NOTES
EPA Project Officer: Bob Schell, Control Programs Development Division

16. ABSTRACT
This document has been produced in compliance with Section 110(h)(1) of the Clean Air Act amendments of 1977. The Federally enforceable regulations contained in the State Implementation Plans (SIPs) have been compiled for all 56 States and territories (with the exception of the Northern Mariana Islands). They consist of both the Federally approved State and/or local air quality regulations as indicated in the Federal Register and the Federally promulgated regulations for the State, as indicated in the Federal Register. Regulations which fall into one of the above categories as of January 1, 1978, have been incorporated. As mandated by Congress, this document will be updated annually. State and/or local air quality regulations which have not been Federally approved as of January 1, 1978, are not included here; omission of these regulations from this document in no way affects the ability of the respective Federal, State, or local agencies to enforce such regulations.

17. KEY WORDS AND DOCUMENT ANALYSIS

a. DESCRIPTORS	b. IDENTIFIERS/OPEN ENDED TERMS	c. COSATI Field/Group
Air pollution Federal Regulations Pollution State Implementation Plans		

18. DISTRIBUTION STATEMENT RELEASE UNLIMITED	19. SECURITY CLASS *(This Report)* Unclassified	
	20. SECURITY CLASS *(This page)* Unclassified	22. PRICE PC A04 / MF A01

EPA Form 2220-1 (9-73)

EPA-450/3-78-059

Air Pollution Regulations in State Implementation Plans:

Florida

by

Walden Division of Abcor, Inc.
Wilmington, Massachusetts

Contract No. 68-02-2890

EPA Project Officer: Bob Schell

Prepared for

U.S. ENVIRONMENTAL PROTECTION AGENCY
Office of Air, Noise, and Radiation
Office of Air Quality Planning and Standards
Research Triangle Park, North Carolina 27711

August 1978

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INTRODUCTION

This document has been produced in compliance with Section 110(h)(1) of the Clean Air Act Amendments of 1977. The Federally enforceable regulations contained in the State Implementation Plans (SIPs) have been compiled for all 56 States and territories (with the exception of the Northern Mariana Islands). They consist of both the Federally approved State and/or local air quality regulations as indicated in the Federal Register and the Federally promulgated regulations for the State, as indicated in the Federal Register. Regulations which fall into one of the above categories as of January 1, 1978, have been incorporated. As mandated by Congress, this document will be updated annually. State and/or local air quality regulations which have not been Federally approved as of January 1, 1978, are not included here; omission of these regulations from this document in no way affects the ability of the respective Federal, State, or local agencies to enforce such regulations.

There have been recent changes in the Federal enforceability of parking management regulations and indirect source regulations. The October, 1977, appropriation bill for EPA prohibited Federal enforcement of parking management regulations in the absence of specific Federal authorizing legislation. Federally promulgated parking management regulations have, therefore, been suspended indefinitely. Pursuant to the 1977 Clean Air Act Amendments, indirect source regulations may not be required for the approval of a given SIP. Consequently, any State adopted indirect source regulations may be suspended or revoked; State adopted indirect source regulations contained in an applicable SIP are Federally enforceable. More importantly, EPA may only promulgate indirect source review regulations which are specific to Federally funded, operated, or owned facilities or projects. Therefore, the Federally promulgated indirect source regulations appearing in this document are not enforceable by EPA except as they relate to Federal facilities.

Since State air quality regulations vary widely in their organization, content, and language, a standardized subject index is utilized in this document. Index listings consist of both contaminant and activity oriented categories to facilitate usage. For example, for regulations which apply to copper smelters, one might look under sulfur compounds (50.2), particulate matter process weight (50.1.1), or copper smelters (51.15). Federal regulations pertaining to a given State immediately follow the approved State and local regulations.

Additionally, a summary sheet of the information included in each comprehensive document is presented prior to the regulatory text to allow one to quickly assess the contents of the document. Specifically, the summary sheets contain the date of submittal to EPA of each revision

to the SIP and the date of the Federal Register in which the revision was either approved or disapproved by EPA. Finally, a brief description or reference of the regulation which was submitted is also included.

This document is not intended to provide a tool for determining the enforceability of any given regulation. As stated above, it is intended to provide a comprehensive compilation of those regulations which are incorporated directly or by reference into Title 40, Part 52, of the Code of Federal Regulations. Consequently, the exclusion of a Federally approved regulation from this document does not diminish the enforceability of the regulation. Similarly, the inclusion of a given regulation (for example, regulations governing pollutants, such as odors, for which there is no national ambient air quality standards) in this document does not, in itself, render the regulation enforceable.

SUMMARY SHEET

OF

EPA-APPROVED REGULATION CHANGES

FLORIDA

Submittal Date	Approval Date	Description
9/25/73	2/25/74	17-2.04, 17-2.09, 17-2.10
2/12/75	10/22/75	17-2.02, 17-2.03, 17-2.04
7/20/75	4/19/76	17-2.04 6(e) 225 Note-6(e) 2 Disapproved for Escumbia County Note-No action taken on on 6(e) 2 for Duval County Note-6(e) 2 Liquid fuel is disapproved for Big Bend and Gannon Station: In Hillsborough County. Note-Where these disapprovals hold the previously approved Regulations remain in affect.
12/15/75	5/14/76	17-2.05
1/4/76	11/1/77	17-5.06

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Section Number	Description
52.524	Compliance Schedules
52.525	Public Availability of Emission Data
52.530	Prevention of Significant Deterioration

DOCUMENTATION OF CURRENT EPA-APPROVED
STATE AIR POLLUTION REGULATIONS

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DEPARTMENT OF POLLUTION CONTROL

CHAPTER 17-2

AIR POLLUTION

(2.0) 17-2.01 DECLARATION AND INTENT

The State of Florida Department of Pollution Control promulgates this chapter to eliminate, prevent, and control air pollution. This chapter shall apply to all sources of air pollution except open burning or the use of outdoor heating devices allowed by chapter 17-5, Florida Administrative Code, unless otherwise provided in this chapter.

To protect and enhance the air quality of Florida, this chapter furthers the Department's nondegradation policy and established ambient air quality standards and emission standards. The polity inherent in the standards shall be to protect the air quality existing at the time the air quality standards were adopted or to upgrade or enhance the quality of the air of the State. In any event, where a new or increased source of air pollution poses a possibility of degrading existing high air quality or ambient air quality established by this chapter, such source or proposed source shall not be issued a Department permit until the Department has reasonable assurance that such source construction or development will not violate this chapter.

This chapter is adopted to achieve and maintain such levels of air quality as will protect human health and safety, prevent injury to plant and animal life and property, foster the comfort and convenience of the people, promote the economic and social development of this State and facilitate the enjoyment of the natural attractions of this State.

General Authority 403.061 FS. Law Implemented 403.021, 403.031, 403.061 FS. History - New 1-11-72.

(1.0) 17-2.02 DEFINITIONS

The following words and phrases when used in this chapter shall, unless context clearly indicates otherwise, have the following meanings:

Air pollutant - Any matter found in the atmosphere other than oxygen, nitrogen, water vapor, carbon dioxide and the inert gases in natural concentrations.

Air pollutant source or source - Any source at, from, or by reasons of which there is emitted into the atmosphere any air pollutant(s).

Process weight - The total weight of all materials introduced into any process. Solid fuels and recycled materials are included in the determination of process weights; but uncombined water, liquid and gaseous fuels, combustion air or excess air are not included.

Standard conditions - A gas temperature of 70 degrees Fahrenheit and a gas pressure of 14.7 psia.

Existing source - A source which is in existence, (except for reactivation of older plants) operating or under construction or has received a permit to construct prior to the effective date of this chapter.

New source - any source other than an existing source. New source includes reactivating existing or older plants which have been shutdown for a period of more than one year.

Particulate matter - Means any material, other than uncombined water, which exists in a finely divided form as a liquid or solid, as measured by the sampling methods approved by the Board.

Sulfuric Acid Plant - Means any installation producing sulfuric acid by the contact process by burning elemental sulfur, alkylation acid, hydrogen, sulfides, organic sulfides and mercaptans, or acid sludge.

Acid mist - Means any size liquid drops of any acid including but not limited to sulfuric acid and sulfur trioxide, hydrochloric acid and nitric acid as measured by test methods approved by the Board.

Visible emission - Means an emission greater than 5 percent opacity or 1/4 Ringelmann measured by standard methods.

Fugitive particulate - Particulate matter which escapes and becomes airborne from unenclosed operations or which is emitted into the atmosphere without passing or being conducted through a flue pipe, stack or other structure designed for the purpose of emitting air pollutants into the atmosphere.

Air Pollution Episode - An occurrence of elevated levels of pollutants in the atmosphere which require hasty and unusual abatement action.

Odor - Means a sensation resulting from stimulation of the human olfactory organ.

Objectionable Odor - Any odor present in the outdoor atmosphere which by itself or in combination with other odors, is or may be harmful or injurious to human health or welfare, which unreasonably interferes with the comfortable use and enjoyment of life or property, or which creates a nuisance.

Fossil fuel steam generators - Furnaces and boilers which produce steam by combustion of oil, coal or gas of fossil origin.

Plant section - A part of a plant consisting of one or more unit operations including auxiliary equipment which provides the complete processing of input (raw) materials to produce a marketable product, including but not limited to, granular triple super phosphate, phosphoric acid, run-of-pile triple super phosphate and di-ammonium phosphate, or one or more unit operations including auxiliary equipment or structures which are used for the functions of, including but not limited to, storage shipping, loading, unloading, or bagging.

Department - Means the State of Florida Department of Pollution Control.

Director - Means the Executive Director of the Department.

Volatile organic compounds or Organic Solvents - Are any compounds containing carbon and hydrogen or carbon and hydrogen in combination with any other element which has a vapor pressure of 1.5 pounds per square inch absolute (77.6 mm. Hg) or greater under actual storage conditions.

Portland cement plant - Means any facility manufacturing Portland cement by either the wet or dry process.

Nitric acid plant - Means any facility producing weak nitric acid by either the pressure or atmospheric pressure process.

Kraft Pulp Mill - Means an industrial operation which processes wood to produce cellulose or cellulose materials by means of chemically cooking the wood with a liquor consisting of an alkaline sulfide solution containing sodium hydroxide and sodium sulfide, also known as the sulfate process.

Bark boilers - Means a part of the process of a kraft pulp mill, a furnace which produces steam using wood bark, either continuously or intermittantly along with fossil fuels.

Sulphur Recovery Plant - Any plant that recovers sulphur from crude (unrefined) petroleum materials.

Ringelmann Chart - Means the chart published and described in the U.S. Bureau of Mines Information Circulars No. 8333 and No. 7718.

Stagnant atmospheric conditior - Denotes when the atmospheric and and meteorological conditions will reduce the necessary diffusion and dispersement fo air pollutants in the atmosphere.

Opacity - Means a state which renders material partially or wholly impervious to rays of light causing obstruction of observer's view.

Latest Reasonably Available Control Technology - Means air pollution control equipment, facilities, or devices or processes (including fuels and raw materials used) which cause or allow the least emission of pollutant(s) and which are (1) commercially available; or (2) can be constructed or installed and operated reliably or (3) have been shown to be operated successfully by full scale size test unit or proto-type test unit with due consideration for problems of scale up to full size.

General Authority 403.061 FS. Law Implemented 403.021, 403.031, 403.061 FS. History - Revised 1-11-72

(2.0) 17-2.03 GENERAL RESTRICTIONS

(1) Latest Reasonably Available Control Technology.

(A) Determination - the Department shall determine Latest Reasonably Available Control Technology.

(1) In making the determination the Department shall give due consideration to:

a. Environmental Protection Agency determination of Reasonably Available Control Technology pursuant to 40 C.F.R. Section 51.1 (o) and 40 C.F.R., Part 51, Appendix B; and Environmental Protection Agency determinations of Standards of Performance for New Stationary Sources, pursuant to 40 C.F.R., Part 60:

b. All scientific, engineering, and technical material, reports, publications, journals, and other competent relevant information made available to or known by the Department.

c. Recommendations of any ad hoc technical advisory committee appointed pursuant to paragraph 3 of this Subsection (17-2.03 (1) (a)).

(2) The Department shall specify and publish its determination of Latest Reasonably Available Control Technology by source or category of sources.

(3) To assist the Department in making the determination of Latest Reasonably Available Control Technology, the Executive Director may appoint an ad hoc technical advisory committee of persons with expertise and knowledge in the particular matter under consideration. The committee shall be representative of academic, industry, citizen, and conservation interests.

(4) Any citizen or affected party may request a determination of Latest Reasonably Available Control Technology for a source or category of sources. Such request shall be in writing with a comprehensive summary of available information on Control Technology for the particular source or category of sources.

(5) The determination of Latest Reasonably Available Control Technology shall be made by the Florida Pollution Control Board only after notice and public hearing.

(6) Determinations of Latest Reasonably Available Control Technology shall be periodically reviewed by the Department, and shall be subject to revision subsequent to such review if the Department determines, on the basis of competent substantial evidence, that different equipment, devices or processes will result in a reduction of emissions.

(B) Application

(1) If the Latest Reasonably Available Control Technology as may be applied to air pollutant sources results in or is expected to result in lower or improved air pollutant emissions, then the Latest Reasonably Available Control Technology shall be applied, except that the Latest Reasonably Available Control Technology need not be applied:

a. If ambient air standards are being complied with; and

b. If omission limitations are being complied with; and

c. If the source complies with all requirements of any duly promulgated air quality maintenance or imporvement plan adopted by the Department or approved local pollution control program; and

d. If the source complies with the Department's rule on nondegradation of air quality.

(2) Before requiring any source to apply, install, or use Latest Reasonably Available Control Technology the Department shall:

a. Give due consideration of all the following:

1. The necessity of imposing the level of emission limitation which would be achieved by the application of such technology in order to attain and maintain Ambient Air Quality Standards specified in Section 17-2.05, and prevent degradation of air quality in accordance with these rules; and

2. The social and economic impact of the application of such technology, including consideration of any useful life of presently installed, permitted control equipment and the amortization of the value of such equipment balanced with the cost and advantages of the new technology; and

3. The energy consumption or conservation associated with such technology; and

4. Alternative means of providing for attainment and maintenance of the Ambient Air Quality Standards specified in Section 17-2,05, and the prevention of degradation of air quality in accordance with these rules; and

5. Secondary pollution problems created by the application of any particular technology.

b. Provide the owner or operator of the source adequate notice and an opportunity for public hearing.

(3) This Subsection, (17-2.03 (1) (b)) does not relieve any person from complying with applicable statutes and rules and regulations of the Department including emission limiting standards.

(2) Existing Source Compliance - Except where compliance dates are specified, existing sources shall comply with this chapter as expeditiously as possible but in no case later than July 1, 1975.

(3) Operation Rates - No plant or source shall operate at capacities which exceed the limits of operation of a control device to maintain the air emission within the standard limitation imposed by this chapter, or by permit conditions.

(4) (a) Air Quality Standards Violated - No person shall build, erect, construct, or implant any new source or operate, modify or rebuild an existing source or by any other means release or take action which would result in release of air pollutants into the atmosphere of any region, which will, as determined by the Board, result in, including concentrations of existing air pollutants, ambient air concentrations greater than ambient air quality standards.

(b) Nondegradation - In those counties of the State which have, on the effective date of this chapter, better air quality than that defined by the Ambient Air Quality Standards, no person shall emit into the atmosphere any air pollutant which degrades that quality.

(5) Concealment - No person shall build, erect, install or use any article, machine, equipment or other contrivance, the use of which will conceal an emission which would otherwise constitute a violation of any of the provision of this chapter.

(6) Circumvention - No person shall circumvent any air pollution control device, or allow the emission of air pollutants without the applicable air pollution control device operating properly.

(7) Maintenance - All air pollution control devices and systems shall be properly and consistently maintained in order to maintain emissions in compliance with Department Rules.

General Authority 403.061 FS. Law Implemented 403.021, 403.031, 403.061 FS. History - New 1-11-72.

(2.0) 17-2.04 PROHIBITIVE ACTS

(1) Visible Emissions - No person shall cause, let, permit, suffer or allow to be discharged into the atmosphere any air pollutants from:

(a) Existing Sources, until July 1, 1975, the density of which is equal to or greater than that designated as Number 2 on the Ringelmann Chart or the opacity of which is equal to or greater than 40 percent.

(b) New Sources, and after July 1, 1975, existing sources, the density of which is equal to or greater than that designated as Number 1 on the Ringelmann Chart or the opacity of which is equal to or greater than 20 percent.

(c) This subsection 17-2.04(1) does not apply to emissions emitted in accordance with specified emission limiting standards or in accordance with the process weight table (Table I) provided in this chapter.

(d) If the presence of uncombined water is the only reason for failure to meet visible emission standards given in this section such failure shall not be a violation of this rule.

(2) Particulate Matter - No person shall cause, let, permit, suffer, or allow the emission of particulate matter from any air pollutant source in total quantities in excess of the amount shown in Table I, except as otherwise provided for in this chapter for specific emission limiting standards of particulate matter from specified sources.

PROCESS WEIGHT TABLE

TABLE I

Process Weight Rate (pounds per hour)	Emission rate (pounds per hour)
50	0.03
100	0.55
500	1.53
1,000	2.25
5,000	6.34
10,000	9.73
20,000	14.99
60,000	26.90
80,000	31.19
120,000	33.28
160,000	34.85
200,000	36.11
400,000	40.35
1,000,000	46.72

Interpolation of the data in Table I for the process weight rates up to 60,000 pounds per hour shall be accomplished by the use of the equation: $E = 3.59P^{0.62}$, P less than or equal to 30 tons per hour and interpolation and extrapolation of the data for process weight rates in excess of 60,000 pounds per day shall be accomplished by use of the equation: $E = 17.31P^{0.16}$, P is greater than 30 tons per hour. Where: E = Emissions in pounds per hour. P = Process Weight rate in tons per hour. Application of mass emission limitations on the basis of all similar units at a plant is recommended in order to avoid unequal application of this type of limitation to plants with the same total emission potential but different size units. Upon establishing the total mass limitation, individual source emissions will be determined by prorating the mass emission total on the basis of the percentage weight input to each source process.

(3) Fugitive Particulate - No person shall cause, let, permit, suffer or allow the emissions of particulate matter, from any source whatsoever, including but not limited to vehicular movement, transportation of materials, construction, alteration, demolition or wrecking, or industrially related activities such as loading, unloading, storing or handling, without taking reasonable precautions to prevent such emission, except particulate matter emitted in accordance with the weight process table (Table I), the visible emissions standards or specific source limiting standards specified in this chapter.

(4) Objectionable Odor Prohibited - No person shall cause, suffer, allow or permit the discharge of air pollutants which cause or contribute to an objectionable odor.

(5) Volatile organic compounds emissions or organic solvents emissions.

(a) No person shall store, pump, handle, process, load, unload or use in any process or installation volatile organic compounds or organic solvents without applying known and existing vapor emission control devices or systems deemed necessary and ordered by the Department.

(b) All persons shall use reasonable care to avoid discharging, leaking, spilling, seeping, pouring, or dumping volatile organic compounds or organic solvents.

(6) Stationary sources - No person shall cause, let, permit, suffer, or allow to be discharged into the atmosphere emission from the following listed sources greater than any emission limiting standard given.

(a) Incinerators

1. The emission limiting standards for new incinerators with a charging rate of fifty or more tons per day are:

   a. Particulate matter - 0.08 grains per standard cubic foot dry gas corrected to 50 percent excess air.

   b. Odor - There shall be no objectionable odor.

2. The emission limiting standards for new incinerators with a charging rate of less than fifty tons per day are:

   a. Visible emissions - No visible emissions except, visible emissions are allowable for up to three minutes in any hour at densities up to but not more than, a density of Ringelmann Number 1. (opacity of 20 percent)

   b. Odor - There shall be no objectionable odor.

3. As soon as possible, but not later than July 1, 1975, existing incinerators shall comply with the standards for new incinerators except that the particulate matter emission limiting standard for existing incinerators with a charging rate of fifty or more tons per day shall be 0.1 grains per standard cubic foot of dry gas corrected to 50 percent excess air.

(b) Sulfuric Acid Plants - The emission limiting standards for surfuric acid plants are:

1. Existing plants.

   a. Sulfur dioxide (SO_2) - ten pounds of SO_2 per ton of 100 percent H_2SO_4 produced, as expeditiously as possible but not later than July 1, 1975; in the Florida portion of the Jacksonville, Florida - Brunswick, Georgia, Interstate Air Quality Control Region as defined in 40 C.F.R. Section 81.91, twenty-none pounds of SO_2 per ton of 100 percent. H_2SO_4 produced as expeditiously as possible but not later than July 1, 1975.

b. A plume with visibility of 5 percent opacity (equivalent to ⅛ Ringelmann Number), except for 30 minutes during plant startup periods with opacity allowed up to 40 percent. (equivalent to Ringelmann Number 2)

2. New Plants

a. Sulfur dioxide - four pounds of SO_2 per ton of 100 percent H_2SO_4 produced.

b. Acid Mist - 0.15 pounds per ton of 100 percent acid produced.

c. No visible emission except for 30 minute period during startup, but no greater than the opacity of 40 percent (equivalent to Ringelmann Number 2)

(c) Phosphate Processing - The emission limiting standards for phosphate processing are:

1. Fluorides (water soluble or gaseous-atomic weight 19) the following quantities expressed as pounds of fluoride per ton of phosphatic materials input to the system, expressed as tons of P_2O_5 for:

a. New plants or plant sections:

a 1. Wet process phosphoric acid production, and auxiliary equipment - 0.02 pounds of F per ton of P_2O_5.

a 2. Run of pile triple super phosphate mixing belt and den and auxiliary equipment - 0.05 pounds of F per ton of P_2O_5.

a 3. Run of pile triple super phosphate curing or storage process and auxiliary equipment - 0.12 pounds of F per ton of P_2O_5.

a 4. Granular triple super phosphate production and auxiliary equipment.

i. Granular triple super phosphate made by granulating run-of-pile triple super phosphate - 0.06 pounds of F per ton of P_2O_5.

ii. Granular triple super phosphate made from phosphoric acid and phosphate rock slurry - 0.15 pounds of F per ton of P_2O_5.

a. 5. Granular triple super phosphate storage, and auxiliary equipment - 0.05 pounds of F per ton of P_2O_5.

a. 6. Di ammonium phosphate production and auxiliary equipment - 0.06 pounds of F per ton of P_2O_5.

a. 7. Calcining or other thermal phosphate rock processing and auxiliary equipment excepting phosphate rock drying and defluorinating - 0.05 pounds of F per ton of P_2O_5.

a. 8. Defluorinating phosphate rock by thermal processing and auxiliary equipment - 0.37 pounds of F per ton of P_2O_5.

a. 9. All plants, plant sections or unit operations and auxiliary equipment not listed in a. 1 to a. 8 will comply with best technology pursuant to Section 2.03(1) of this rule.

b. Existing plants or plant sections. Emissions shall comply with above section, 17-2.04(6)(c) 1.a., for existing plants as expeditiously as possible but not later than July 1, 1975 or

b. 1. Where a plant complex exists with an operating wet process phosphoric acid section (including any items 17-2.04(6) 1., a., a.1. through a.6. above) and other plant sections processing or handling phosphoric acid or products or phosphoric acid processing, the total emission of the entire complex may not exceed 0.4 pounds of F per ton of P_2O_5 input to the wet process phosphoric acid section.

b. 2. For the individual plant sections included *in 17-2.04(6)(c), 1., a., 1.1. through 6.6* above but not included as a part as defined in 17-2.04(6)(c)1., b., b.1 above, if it can be shown by comprehensive engineering study and report to the Department that the existing plant sections are not suitable for the application of existing technology, which may include major rebuilding or repairs and scrubber installations, the emission limiting standard to apply will be the lowest obtained by any similar plant section existing and operating.

(d) Kraft (sulfate liquor) Pulp Mills

1. Black liquor recovery furnace. The emission limiting standards are:

a. Particulate matter - Existing sources as expeditiously as possible, but not later than July 1, 1975, no greater than three pounds particulate per each 3,000 pounds black liquor solids fed. For new sources the same emission limiting standards apply.

b. Total Reduced Sulfur - Existing plants as expeditiously as possible, but not later than July 1, 1975 - 17.5 ppm expressed as H_2S on a dry gas basis, or one-half (0.5) pounds per 3,000 pounds of black liquor solids fed, whichever is more restrictive. For new plants no greater than 1 ppm expressed as H_2S on the dry basis, or 0.03 pounds per 3,000 pounds of black liquor solids fed, whichever is the more restrictive.

(e) Fossil Fuel Steam Generators - The emssion limiting standards for Fossil Fuel Steam Generators are:

1. New Sources - Plants with more than 250 million BTU per hour heat input.

a. Particulate matter - 0.1 pounds per million BTU heat input, maximum 2 hour average.

b. Visible emissions - The density of which is equal to or greater than Number 1 of the Ringelmann Chart (20 percent opacity) except that a shade as dark as Number 2 of the Ringelmann Chart (40 percent opacity) shall be permissible for not more than 2 minutes in any hour.

c. Sulfur dioxide - 0.8 pounds per million BTU heat input, maximum 2 hour average, when liquid fuel is burned.

d. Sulfur dioxide - 1.2 pounds per million BTU heat input, maximum 2 hour average, when solid fuel is burned.

e. Nitrogen oxides - 0.20 pounds per million BTU heat input maximum 2 hour average, expressed as NO_2 when gaseous fuel is burned.

f. Nitrogen oxides - 0.30 pounds per million BTU heat input, maximum 2 hour average, expressed as NO_2 when liquid fuel is burned.

g. Nitrogen oxides - 0.70 pounds per million BTU heat input, maximum 2 hour average, expressed as NO_2 when solid fuel is burned.

2. Existing Sources - Plants with more than 250 million BTU per hour heat input.

a. Particulate not greater than the standard for new sources.

b. Visible emissions - No greater than the standard for new sources.

c. Sulfur dioxide emissions - When liquid fuel is burned emissions shall be not greater than 2.75 pounds per million BTU heat input for sources in all areas of the State except as follows:

i. 2.5 pounds per million BTU heat input for sources north of Hecksher Drive within Duval County and 1.65 pounds per million BTU heat input for all other sources in Duval County.

ii. 1.1 pounds per million BTU heat input for all sources in Hillsborough County including Tampa Electric Company's Gannon Station Units 1 through 4 and Hooker's Point Generation Station.

d. Sulfur dioxide emissions - When solid fuel is burned emissions shall be no greater than 6.17 pounds per million BTU heat input for sources in all areas of the State, except for the following sources in Hillsborough County the emissions shall be no greater than:

   i. 2.4 pounds per million BTU heat input for Units 5 and 6 at Tampa Electric Company's Francis J. Gannon Generating Station and;

   ii. 6.5 pounds per million BTU heat input at Tampa Electric Company's Big Bend Generating Station.

e. This rule shall be re-evaluated and reconsidered by the Board at public hearing prior to July 1, 1977. As part of the re-evaluation and reconsideration required by this rule, the Department shall consider and give due weight to all competent substantial evidence including any findings and conclusions of any studies directed or supervised by the Board. Unless the Board finds that the emission limitations set forth in Section 17-2.04(6) (e) 2.c and d adequately protect public health and welfare, existing fossil fuel steam generators shall be subjected to compliance schedules which must be submitted to the Department on or before August 1, 1977 and which propose increments of progress dates that will as expeditiously as possible bring them into compliance with the following emission limiting standards:

   i. Sulfur dioxide - 1.1 pounds per million BTU heat input when liquid fuel is burned.

   ii. Sulfur dioxide - 1.5 pounds per million BTU heat input when solid fuel is burned.

If the Board finds that the emission limitations set forth in 17-2.04(6) (e) 2. c and d adequately protect public health and welfare this rule shall be continued or amended to reflect such findings and conclusions.

f. Owners of fossil fuel steam generators shall monitor their emissions and the effects of the emissions on ambient concentrations of sulfur dioxide, in a manner, frequency, and locations approved, and deemed reasonably necessary and ordered by the Department. The owners shall submit to the Department a written proposal for such monitoring program on or before July 1, 1975.

g. Nitrogen oxides no greater than the standards for new sources as expeditiously as possible but no later than July 1, 1975.

3. New and existing Plants with 250 million or less BTU per hour heat input.

a. Visible emissions standards as set forth in item 17-2.04(6) (e) 1.b of this section.

b. Particulate matter, sulfur dioxide and nitrogen oxides apply 17-2.03(1) latest technology.

(f) Portland Cement Plants - The emission limiting standards for Portland Cement Plants are:

1. Existing and new sources.

a. For Kilns - particulate shall be no greater than allowed by the Process Weight Table, Table I, set forth in 17-2.04(2). The table shall be applied to each individual source rather than being applied on the basis of mass emission limitations.

b. For clinker-coolers the emission limiting standard of 17-2.04(6) (f) 1.a above apply.

(g) Nitric Acid Plants - The emission limiting standards for nitric acid plants producing weak nitric acid (50-70 percent) by pressure or atmospheric pressure process are:

1. New Plants.

a. Nitrogen oxides no greater than 3 pounds per ton of acid produced (100 percent basis)

b. Visible emissions - none permitted.

2. Existing plants shall comply with the standard as expeditiously as possible but no later than July 1, 1975.

(h) Sulfur Recovery Plants - The emission limiting standards for sulfur recovery plants recovering sulfur from crude oil gas are:

1. New Plant.

a. Sulfur oxides calculated as sulfur dioxide - no greater than 0.004 pounds of SO_2 per pound of sulfur input to the recovery system or no greater than 0.004 pounds of SO_2 per pound of sulfur removed from an oil well.

2. Existing Plants.

a. Sulfur oxides calculated as sulfur dioxide no greater than (h) 1.a. of this section above as expeditiously as possible but no later than July 1, 1975.

5. If at any time the Board determines, after notices and public hearing, that appropriate and substantially lower sulfur fuels are available on a long term basis at a reasonably comparable cost (including all costs such as contract revision or termination costs) with fuels allowed under this rule, the Board may establish revised emission limiting standards.

Note: This revision is approved for all areas of the State with the exception of Escambia, Duval and Hillsborough Counties. This revision is disapproved for Escambia County and EPA has taken no action at this time on the revision for Duval County. The result is that the previously approved limits remain in effect in these two counties. "The Administrator approves the revised liquid fuel regulation as it applies to Hillsborough County and disapproves the solid fuel emission limitations as they apply to the Big Bend and Gannon Station. This disapproved action has the effect of leaving in force the emission limit of 1.5 lbs SO_2/ 10^6 BTU for solid fuel at these two facilities."

(7) Mobile Sources

(a) No person shall cause, let, permit, suffer or allow the emission of smoke from motor vehicles on public roadways which is visible within the proximity of the engine exhaust outlet for a period of more than five (5) seconds.

1. Definitions - Apply to this paragraph 17-2.04 (7)(a) only.

a. Smoke is definied as small, gasborne and airborne particles, exclusive of water vapor, from a process of combustion, in sufficient number to be observable.

b. Motor vehicle is defined as any device powered by an internal combustion engine and on or in which any person or property may be transported.

2. Exception - All two-cycle gasoline engines manufactured prior to the year 1976.

General Authority 403.061 FS. Law Implemented 403.021, 403.031, 403.061 FS History - Revised 1-11-72.

(10.0) 17-2.04 (8) COMPLEX SOURCES

(a) For the purposes of this section the following definitions shall apply:

(1) Complex Source - Means any facility, or group of facilities, which is a source of air pollution by reason that it causes, directly or indirectly, significant increases or emissions of pollutants into the atmosphere or which reasonably can be expected to cause an increase in the ambient air concentrations of pollutants, either by itself or in association with mobile sources.

(2) Commencement of Construction - Shall mean the actual on site, continuous and systematic activity of land surface alteration, construction, and fabrication of the source.

(3) Modification - Means any physical change in the source which will result in the source causing or contributing to an increase of emissions to the ambient air.

(b) No person shall construct or modify or operate or maintain any complex source of air pollution which results in or causes an increase in ambient pollutant concentrations in violation of the Ambient Air Quality Standards.

(c) After December 15, 1973, no person shall commence construction or modification of any of the following listed complex sources without a permit from the Department, or other governmental agency authorized by the Department to issue such permit:

(1) Any new complex source with which is associated a single level unenclosed parking facility with a design or use capacity of 1500 cars or more, or and modification which will increase such unenclosed parking facility to a design or use capacity of 1500 cars or more.

(2) Any multi-level unenclosed parking facility with a design or use capacity of 750 cars or more, or any modification which will increase a multi-level unenclosed facility to a design or use capacity of 750 cars or more.

(3) Any new road designed to accommodate 2000 vehicles per hour or more at peak traffic flow rates, or a modification of an existing road the result of which is designed to accommodate 2000 vehicels or more at peak traffic flow rates.

(4) Any new road or modification to accommodate 1000 vehicles per hour or more of peak traffic flow rates or a modification which results in a design capacity for accommodation of 1000 vehicles per hour or more of peak traffic flow rates in the following urban counties: Dade, Broward, Palm Beach, Brevard, Hillsborough, Pinellas, Orange, Duval, Escambia, Polk, Leon, Sarasota, Volusia, Alachua, Pasco and Lee.

(5) All major tollways or interstate highways or other major roads of more than two lanes of traffic outside of the urban areas named in paragraph 4 above.

(6) Any new airport which is designed or may be used to serve commercial airlines regularly scheduled or otherwise or any modification of such an airport which results in the 10% increase capacity, or any modification of a parking facility at such an airport which results in a ten percent increase in capacity.

(7) If the Department finds after notice, and hearing, if requested, that projected emissions associated with any proposed complex source not listed above may result in the failure of the Ambient Air Quality Standards being achieved and maintained, the Department may require an application to be submitted and a permit required prior to construction.

(d) Any person seeking a permit shall submit such information that is necessary for the Department to make a determination that the complex source will not cause a violation of ambient air quality standards. Such information shall include, but not be limited to:

(1) The nature and amounts of pollutants to be emitted or caused to be emitted by the complex source, or by associated mobile sources, and an air quality impact statement.

(2) The location, design, construction and operation of such facility.

(e) No such permit shall be issued without an opportunity for public comment in accordance with Section 17-2.09, F.A.C.

(f) This subsection 17-2.04 (8), Florida Administrative Code shall not apply to air pollution sources for which a permit is required by Chapter 17-4, Florida Administrative Code, and shall not apply to sources for which the commencement of construction was prior to December 15, 1973, unless construction is, or has been, discontinued for more than ninety days.

(g) Public Highways projects which would otherwise be covered by this section (17-2.08 (8)) and for which bid letting has been advertised prior to April 1, 1974 are exempted from the formal permitting requirements of this section provided, however, that the staffs of the State of Florida DOT and DPC will re-exame the environmental assessments for each project to identify those projects which will violate State ambient air quality standards. Those projects so identified will not be exempted from the permitting requirements of this section.

(4.0) 17-2.05 AMBIENT AIR QUALITY STANDARDS

(1) The air quality of the State's atmosphere is determined by the presence of specific pollutants in certain concentrations. Human health and welfare is affected and known or anticipated adverse results are produced by the presence of pollutants in excess of the certain

concentrations. It is, therefore, established that maximum limiting levels, Ambient Air Quality Standards, of pollutants existing in the ambient air are necessary to protect human health and public welfare. The following statewide Ambient Air Quality Standards are established for Florida:

(a) Sulfur Dioxide

(1) 60 micrograms per cubic meter (0.02 ppm) - annual arithmetic mean.

(2) 260 micrograms per cubic meter (0.1 ppm) maximum 24 hour concentration, not to be exceeded more than once per year.

(3) 1300 micrograms per cubic meter (0.5 ppm) maximum 3 hour concentration, not to be exceeded more than once per year.

(b) Particulate Matter

(1) 60 micrograms per cubic meter - Annual geometric mean.

(2) 150 micrograms per cubic meter - Maximum 24 hour concentration, not to be exceeded more than once per year.

(c) Carbon Monoxide

(1) 10 milligrams per cubic meter (9 ppm) - Maximum 8 hour concentration, not to be exceeded more than once per year.

(2) 40 milligrams per cubic meter (35 ppm) - Maximum 1 hour concentration, not to be exceeded more than once per year.

(d) Photochemical Oxidants - Measured and corrected for interferenced due to nitrogen oxides and sulfur dioxide.

(1) 160 micrograms per cubic meter (0.08 ppm) - Maximum 1 hour concentration, not to be exceeded more than once per year.

(e) Hydrocarbons - For use as a guide in devising implementation plans to achieve oxidant standards. To be measured and corrected for methane.

(1) 160 micrograms per cubic meter (0.24 ppm) maximum 3 hour concentration (6 to 9 a.m.) not to be exceeded more than once per year.

(f) Nitrogen Dioxide

(1) 100 micrograms per cubic meter (0.05 ppm) annual arithmetic mean.

(2) Exception - In Dade, Broward, and Palm Beach County, the above Ambient Air Quality Standards apply except as provided differently below:

(a) Sulfur dioxide

This subparagraph (17-2.05(a) (a)) is repealed, PROVIDED HOWEVER, this subparagraph shall be re-evaluated and reconsidered by the Environmental Regulation Commission at public hearing prior to July 1, 1977. As part of the re-evaluation and reconsideration required by this rule, the Commission shall consider and give due weight to all competent substantial evidence including any findings and conclusions of any studies directed or supervised by the Commission. Unless the Commission finds that the ambient standard set forth in Section 17-2.05(1) (a) adequately protects public health and welfare, the below listed standards shall become effective July 1, 1977 and affected sources must submit a compliance schedule to the Department on or before August 1, 1977, which propose increments of progress dates that will as expeditiously as possible bring them into compliance with these following ambient standards:

(1) 8.6 micrograms per cubic meter (0.003 ppm) - annual arithmetic mean.

(2) 28.6 micrograms per cubic meter (0.010 ppm) - 24 hour concentration.

(3) 57.2 micrograms per cubic meter (0.020 ppm) - maximum four hour concentration.

(4) 286 micrograms per cubic meter (0.100 ppm) - maximum one hour concentration.

(b) Suspended Particulates

(1) 50 micrograms per cubic meter - annual geometric mean.

(2) 180 micrograms per cubic meter - maximum 24 hour concentration.

(c) Carbon Monoxide

(1) 9 milligrams per cubic meter (8 ppm) - maximum 8 hour concentration.

(2) 14 milligrams per cubic meter (12 ppm) - maximum 1 hour concentration.

(3) Sampling and analyses of contaminants in this section shall be performed by the methods approved by the Board.

(4) Abatement - A determination that any of the above standards, 17-2.05(1), has been exceeded, shall be adequate evidence for the Department to commence an investigation to determine the cause and to execute appropriate remedial measures.

General Authority 403.061 FS. Law Implemented 403.021, 403.031, 403.061 FS. History - New 1-11-72

(8.0) 17-2.06 AIR POLLUTION EPISODE

An episode describes a condition which exists when meteorological conditions and rates of discharge of air pollutants combine to produce pollutant levels in the atmosphere which, if sustained, can lead to a substantial threat to the health of the people. In order to prevent episode conditions from continuing or from developing into more severe conditions, positive action and a rapid abatement response is necessary. The severity of an episode has been classified upon the basis of the criteria given in the following sections with the three levels, alert, warning and emergency described.

Due to the exigent nature of named episodes the Director shall determine and declare that an air pollution episode exists. His determination shall be in accordance with the following criteria: (1)

(1) (a) Air Pollution Forecast - The existence or forecast of a stagnant atmospheric condition as advised by a National Weather Service advisory is in effect or an equivalent state or local determination of a stagnant condition.

(b) Alert - The alert level is that concentration of pollutants at which first stage control actions be declared when any one of the following levels is reached at any monitoring site:

(1) Sulfur Dioxide (SO_2) - 800 micrograms per cubic meter (0.3 ppm) 24 hour average.

(2) Particulate - 3.0 COH_s or 375 micrograms per cubic meter, 24 hour average.

(3) Sulfur Dioxide (SO_2) and Particulate combined - product of SO_2 ppm, 24 hour average, and COHs equal to 0.2 or product of SO_2 micrograms per cubic meter, 24 hour average equal to 65×10^3.

(4) Carbon Monoxide (COO - 17 milligrams per cubic meter (15 ppm), 8 hour average.

(5) Oxidant (O_3) - 200 micrograms per cubic meter (0.1ppm) 1 hour average.

(6) Nitrogen Dioxide (NO_2) - 1130 micrograms per cubic meter (0.6 ppm), 1 hour average, 282 micrograms per cubic meter (0.15 ppm), 24 hour average,

and meteorological conditions are such that pollutant concentrations can be expected to remain at the above levels for twelve (12) or more hours or increase unless control actions are taken.

(c) Warning - The warning level indicates that air quality is continuing to degrade and that additional control actions are necessary. A warning shall be declared when anyone of the following levels is reached at any monitoring site:

(1) Sulfur Dioxide (SO_2) - 1600 micrograms per cubic meter (0.6 ppm), 24 hour average.

(2) Particulate - 5.0 COHs or 625 micrograms per cubic meter, 24 hour average.

(3) Sulfur Dioxide (SO_2) and Particulate combined - product of SO_2ppm, 24 hour average and COHs equal to 0.8 or product of SO_2 micrograms per cubic meter, 24 hour average equal to 261×10^3

(4) Carbon Monoxide (CO) - 34 milligrams per cubic meter (30 ppm), 8 hour average.

(5) Oxidant (O_3) - 800 milligrams per cubic meter (0.4 ppm) - 1 hour average.

(6) Nitrogen Dioxide (NO_2) - 2260 milligrams per cubic meter (1.2 ppm) - 1 hour average; 565 milligrams per cubic meter (0.3 ppm), 24 hour average,

and meteorological conditions are such that pollutant concentrations can be expected to remain at the above levels for twelve (12) or more hours or increase unless control actions are taken.

(d) Emergency - The emergency level indicates that air quality is continuing to degrade to a level that should never be reached and that the most stringent control actions are necessary. An emergency shall be declared when any one of the following levels is reached at any monitoring site:

(1) Sulfur Dioxide (SO_2) - 2,100 micrograms per cubic meter (0.8 ppm), 24 hour average.

(2) Particulate - 7.0 COHs or 875 micrograms per cubic meter 24 hour average.

(3) Sulfur Dioxide (SO_2) and Particulate combined - product of SO_2 ppm, 24 hour average and COHs equal to 1.2 or product of SO_2 micrograms per cubic meter, 24 hour average and particulate micrograms per cubic meter, 24 hour average equal to 393×10^3.

(4) CO - 46 milligrams per cubic meter (40 ppm), 8 hour average.

(5) Oxidant (O_3) - 1,200 micrograms per cubic meter (0.6 ppm), 1 hour average.

(6) Nitrogen Dioxide (NO_2) - 3,000 micrograms per cubic meter (1.6 ppm), 1 hour average; 750 micrograms per cubic meter (0.4 ppm), 24 hour average,

and meteorological conditions are such that pollutant concentrations can be expected to remain at the above levels for twelve (12) or more hours.

(e) Area of Episode. The Director shall, when declaring any episode level, declare the counties in which the episode exists.

(f) Termination - Once declared, any episode level will remain in effect until the pollutant concentration increases to meet the next higher level criteria or decreases to a point below the declared criteria level.

(2) (a) Emission Reduction Plans and Actions. Upon a declaration by the Director that any episode level exists--alert, warning, or emergency--any person responsible for the operation or conduct of activities which result in emission of air pollutants shall take actions as required for such source or activity for the declared episode level as set forth in Episode Tables I, II, and III of this section and shall put into effect the Preplanned Abatement Strategy.

(b) Preplanned Abatement Strategies - Any person responsible for one or more air pollutant sources shall prepare and submit, upon written request from the Department, a stand-by plan which describes the action which will be taken by that person to reduce emissions when an episode is declared. The plan shall be submitted within 30 days of the request and will be subject to approval, modification or rejection by the Department. The plan shall be in writing and shall include but not be limited to:

(1) Identity and location of pollutant sources and of contaminants discharged.

(2) Approximate amount of normal emission and of reduction of emission expected.

(3) A brief description of the manner in which reduction will be achieved, for each of the episode levels, alert, warning and emergency.

(c) Whenever during an episode (alert, warning, or emergency) any person responsible for the operation of a source or conduct of activities which result in emission of air pollutants does not take actions as required for the source or activity for the declared episode level or put into effect the Preplanned Abatement Strategy, the Director shall immidiately institute proceedings in a court of competent jurisdiction for injunctive relief to enforce this chapter.

General Authority 403.061 FS. Law Implemented 403.021, 403.031, 403.061 FS. History - New 1-11-72.

EPISODE TABLE I

Alert Level Emission Reduction Plans

Part A. General

During an "alert: level episode:

1. All forms of open burning are prohibited.

2. The use of incinerators for disposal of any form of solid waste or liquid waste is prohibited.

3. Persons operating fuel-burning equipment which requires boiler lancing or soot blowing shall perform such operations only between the hours of 12 noon and 4 p.m.

4. Persons operating motor vehicles should eliminate all unnecessary operations.

Part B. Source Curtailment

During an alert level episode any persons responsible for the operation of a source of air pollutants listed below shall take all required control actions for this alert level:

Source of Air Pollution	Required Control Action
1. Coal or oil-fired electric power generating facilities.	a. Substantial reduction by utilization of fuels having low ash or sulfur content.
	b. Maximum utilization of mid-day (12 noon to 4 p.m.) atmospheric turbulence for boiler lancing and soot blowing.
	c. Substantial reduction by diverting electric power generation to facilities outside of alert area.

EPISODE TABLE I CONTINUED

2. Process steam generating facilities which fire coal or oil.	a. Substantial reduction by utilization of fuels having low ash and sulfur content.
	b. Maximum utilization of mid-day (12 noon to 4 p.m.) atmospheric turbulence of boiler lancing and soot blowing.
	c. Substantial reduction of steam demands consistent with continuing plant operations.
3. Process steam generating facilities which fire wood, bark, or bagassee; totally or in combination with other fuels.	a. Substantial reduction by switching to fossil fuels with low ash and sulfur content or by diverting steam demands to steam generators utilizing low ash and sulfur content fuels.
	b. Maximum utilization of mid-day (12 noon to 4 p.m.) atmospheric turbulence for boiler lancing and soot blowing.
	c. Substantial reduction of steam demands consistent with continuing plant operations.
4. Manufacturing industries of the following classifications: Pulp and paper industries Citrus industries Mineral processing industries Phosphate and allied chemical industries Secondary metal industry Petroleum operations	a. Substantial reduction of air pollutants from manufacturing operations by enacting preplanned abatement strategies including curtailing, postponing or deferring production and all operations.

EPISODE TABLE I CONTINUED

	b. Curtail trade waste disposal operations which emit air pollutants.
5. Bulk handling operations which transfer or store material including but not limited to: Cement Fertilizer Phosphate Rock Grain or Feed ROP Triple Super Phosphate Lime Sand and Gravel Dolomite	a. Maximum reduction of fugitive dust by curtailing, postponing or deferring bulk handling operations.
6. Any other industrial or commercial establishments which emit air pollutants.	a. Substantial reduction of air pollutants by curtailing, postponing or deferring operations. b. Curtail trade waste disposal operations which emit air pollutants.

EPISODE TABLE II

Warning Level Emission Reduction Plans

Part A. General

During a "Warning" level episode:

1. All forms of open burning are prohibited.

2. The use of incinerators for disposal of any form of solid waste or liquid waste is prohibited.

3. Persons operating fuel burning equipment which requires boiler lancing or soot blowing shall perform such operations only between the hours of 12 noon and 4 p.m.

4. Persons operating motor vehicles must reduce operations by the use of car pools and increased use of public transportation and elimination of unnecessary operation.

5. Unnecessary space heating or cooling is prohibited.

Part B. Source Curtailment

During a warning level episode any persons responsible for the operation of a source of air pollutants listed below shall take all required control actions for this warning level:

Source of Air Pollution	Required Control Action
1. Coal or oil-fired electric power generating facilities.	a. Maximum reduction by utilization of fuels having lowest ash and sulfur content. b. Maximum utilization of mid-day (12 noon to 4 p.m.) atmospheric turbulence for boiler lancing and soot blowing.

EPISODE TABLE II CONTINUED

	c. Maximum reduction by diverting electric power generation to facilities outside of warning area or to generating stations emitting less pollutants per kilowatt generated.
2. Process steam generating facilities which fire oil or coal:	a. Maximum reduction by utilization of fuels having the lowest available ash and sulfur content.
	b. Maximum utilization of mid-day (12 noon to 4 p.m.) atmospheric turbulence for boiler lancing and soot blowing.
	c. Stand-by to enact preplanned emergency action plan.
3. Process steam generating facilities which fire wood, bark or bagassee.	a. Maximum reduction by reducing heat and steam demands to absolute necessities consistent with preventing equipment damage.
	b. Maximum utilization of mid-day (12 noon to 4 p.m.) atmospheric turbulence for boiler lancing and soot blowing.
4. Manufacturing industries of the following classifications: Pulp and paper industries Citrus industries Mineral processing industries Phosphate and allied chemical industries Secondary metal industry Petroleum operations	a. Commence preplanned abatement strategies for the elimination of all air pollutants. b. Elimination of air pollutants from trade waste disposal operations which emit air pollutants.

EPISODE TABLE II CONTINUED

5. Bulk handling operations which transfer or store material including but not limited to: Fertilizer Phosphate Rock Grain or Feed ROP Triple Super Phosphate Cement Lime Sand and Gravel Dolomite	a. Elimination of fugitive dust by ceasing, curtailing, postponing or deferring transfer or storage of material.
6. Any other industrial or commercial establishments which emit air pollutants.	a. Maximum reduction by curtailing, postponing or deferring operations. b. Eliminate trade waste disposal operations which emit air pollutants.

EPISODE TABLE III

Emergency Level Emission Reduction Plans

Part A. General

During an "emergency" level episode:

1. All forms of open burning are prohibited.

2. The use of incinerators for disposal of any form of solid or liquid waste is prohibited.

3. All places of employment described below shall immediately cease operations.

   a. Mining and quarrying of nonmetallic minerals.

   b. All construction work except that which must proceed to avoid emergent physical harm.

   c. All manufacturing establishments except those required to have in force an air pollution emergency plan.

   d. All wholesale trade establishments; i.e., places of business primarily engaged in selling merchandise to retailers, or industrial, commercial, institutional or professional users, or to other wholesalers, or acting as agents in buying merchandise for or selling merchandise to such persons or companies, except those engaged in the distribution of drugs, surgical supplies and food.

   e. All offices of local, county and State government including authorities, joint meetings, and other public bodies excepting such agencies which are determined by the chief administrative officer of local, county, or State government, authorities, joint meetings and other public bodies to be vital for public safety and welfare and the enforcement of the provisions of this order.

   f. All retail trade establishments except pharmacies, surgical supply distributors, and stores primarily engaged in the sale of food.

EPISODE TABLE III CONTINUED

g. Banks, credit agencies other than banks, securities and commodities brokers, dealers, exchanges and services; offices of insurance carriers, agents and brokers, real estate offices.

h. Wholesale and retail laundries, laundry services and cleaning and dyeing establishments; photographic studios; beauty shops, barber shops, shoe repair shops.

i. Advertising offices; consumer credit reporting, adjustment and collection agencies; duplicating, addressing, blueprinting; photocopying, mailing, mailing list and stenographic services; equipment rental services, commercial testing laboratories.

j. Automobile repair, automobile services, garages.

k. Establishments rendering amusement and recreational services including motion picture theaters.

l. Elementary and secondary schools, colleges, universities, professional schools, junior colleges, vocational schools, and public and private libraries.

4. All commercial and manufacturing establishments not included in this section will institute such actions as will result in maximum reduction of air pollutants from their operation by ceasing, curtailing or postponing operations which emit air pollutiants to the extent possible without causing injury to person or damage to equipment.

5. The use of motor vehicles is prohibited except in emergencies with the approval of local or state police.

6. Unnecessary lighting, heating or cooling in unoccupied structures is prohibited.

Source of Air Pollution	Required Control Action
1. Coal or oil-fired electric power generating facilities.	a. Maximum reduction by utilization of fuels having lowest ash and sulfur content.

EPISODE TABLE III CONTINUED

		b. Maximum utilization of mid-day (12 noon to 4 p.m.) atmospheric turbulence for boiler lancing or soot blowing.
		c. Maximum reduction by diverting electric power generation to facilities outside of emergency area or to generating stations emitting less pollutants per kilowatt generated.
2.	Coal, oil, natural gas, wood, bark and bagassee - fired process steam generating facilities.	a. Maximum by reducing heat and steam demands to absolute necessities consistent with preventing equipment damage.
		b. Maximum utilization of mid-day (12 noon to 4 p.m.) atmospheric turbulence for boiler lancing or soot blowing.
		c. Taking the action called for in preplanned emergency action plan.
3.	Manufacturing industries of the following classifications: Pulp and paper industries Citrus industries Mineral processing industries Phosphate and allied chemical industires Secondary metal industries Petroleum operations	a. Continuation of preplanned abatement strategies for the elimination of air pollutants. b. Elimination of air pollutants from trade waste disposal operations which emit air pollutants.
4.	Bulk handling operations which transfer or store material including but not limited to:	a. Elimination of fugitive dust by ceasing, curtailing, postponing or deferring transfer or storage of material.

EPOSIDE TABLE III CONTINUED

	Cement Fertilizer Phosphate Rock Grain ROP Triple Super Phosphate Lime Sand and Gravel Dolomite	
5.	Any other industrial or commercial establishments which emit air pollutants.	a. Elimination of air pollutants by ceasing, curtailing, postponing or deferring operations. b. Elimination of air pollutants from trade waste disposal process which emit air pollutants.

(9.0) 17-2.07 SAMPLING AND TESTING

(1) All persons shall, upon request of the Department, provide continuous automatic monitoring testing and records of contaminants being emitted from a source.

(2) All persons shall provide facilities for continuously determining the input process weight or input heat when such factors are the basis for limiting standards.

(3) A person responsible for the emission of air pollutants from any source shall, upon request of the Department provide in connection with such sources and related source operations, such sampling and testing facilities exclusive of instruments and sensing devices as may be necessary for the proper determinations of the nature and quantity of air pollutants which are, or may be emitted as a result of such operation.

(4) Such facilities may be either permanent or temporary at the discretion of the person responsible for their provision and shall be suitable for the use of methods and equipment acceptable to the Deparment, who shall indicate in writing the required size, number and location of sampling holes; the size and location of the sampling platform; and the utilities for operating the sampling and testing equipment. The facilities shall comply with all applicable laws and regulations concerning safe construction and safe practice in connection with such facilities.

(5) When the Department upon investigation has good reason to believe that the provisions of this chapter concerning emission of pollutants are being violated, it may require the person responsible for the source of pollutants to conduct tests which will identify the nature and quantity of pollutant emissions from the source and to provide the results of said tests to the Department. These tests shall be carried out under the supervision of the Department, and at the expense of the person responsible for the source of the pollutants.

(6) All analyses and tests shall be conducted in a manner specified by the Department. Results of analyses and tests shall be calculated and reported in a manner specified by the Department.

(7) Analyses and tests for compliance may be performed by the Department at the cost of the person responsible for the emission of air pollutants.

General Authority 403.061,403.101 FS. Law Implemented 403.021, 403.031, 403.061, 403.101 FS. History - Revised 1-11-72.

(2.0) 17-2.08 LOCAL REGULATIONS

Regulations controlling air pollution may be adopted by local governmental authorities provided that such regulations shall not be in conflict herewith or that standards so adopted shall no be less stringent that those established herein.

General Authority 403.061, 403.182 FS. Law Implemented 403.021, 403.061, 403.182 FS. History - Formerly 17-2.09, FAC.

(14.0) 17-2.09 PUBLIC COMMENT

(1) Before any department permit is issued for any source of air pollution, the department shall provide an opportunity for public comment which shall include as a minimum the following:

(a) Availability for public inspection in at least one location in the region affected the information submitted by the owners or operator and the Department's analysis of the effect of such construction or modification on ambient air quality, including the Department's proposed approval or disapproval.

(b) A 30-day period for submittal of public comment; and

(c) A notice by prominent advertisement in the region affected, specifying the nature and location of the proposed source and that the information specified in subsection 17-2.09 (1)(a), FAC is available for public inspection at a designated location.

(d) A copy of the notice shall also be sent to the U. S. Environmental Protection Agency through the appropriate regional office, and to all other state and local air pollution control agencies having jurisdiction in the region in which such new or modified installation will be located. The notice also shall be sent to any other agency in the region having responsibility for implementing the department's permit program.

(e) A copy of the notice shall be displayed in the appropriate Regional, Subregional, and Local Program offices.

(2) Because public comment or lack of the same is vital information to a proper determination of a permit application, the Department shall not make a final decision on the application until the time period for public comment has expired, but shall make the final determination within sixty days thereafter.

(3.0) 17-2.10 LOCAL GOVERNMENT

No municipality or political subdivision of the state shall issue any building or other permit to construct or modify a source of air pollution for which a permit is required by department rule unless the source has received a valid department permit.

CHAPTER 17-5

(51.13) 17-5.06 BURNING FOR COLD OR FROST PROTECTION

(1) Open Burning, Fuels, Devices, Schedules. Open burning or the use of outdoor heating devices for frost or cold protection in connection with agricultural or citrus operations is allowed, provided the fuel and the heating device used have approval from the Department prior to use.

(a) Fuels for open burning for frost or cold protection will be allowed in accordance with the following schedule:

1. Until June, 1972, all fuels shall be allowed.

2. After June, 1972, the burning of tires, rubber material, railroad cross ties, other creosoted lumber, refuse, wood, or vegetation shall be prohibited.

3. Until June, 1974, oil in open pans is allowed, provided a No. 3 or better grade fuel oil is burned.

4. After June, 1973, all fuels must have approval of the Department.

(b) Use of outdoor heating devices for frost or cold protection is allowed in accordance with the following schedule:

1. Outdoor heating devices and open pans in existence on July 1, 1971, may continue to be used until June, 1974.

2. Any new outdoor heating device must have approval of the Department prior to use.

3. After June, 1974, any outdoor heating device must have approval prior to use.

(2) List Required: Approved Fuels and Outdoor Heating Devices. The Department shall compile and maintain a list of approved fuels and outdoor heating devices. The list shall include conditions upon which approval was granted. The list shall be available to the public and may be published from time to time.

(3) Approval: Fuels and Outdoor Heating Devices; Procedure; Requirements. Fuels and outdoor heating devices shall be approved in the following manner:

(a) Fuels for open burning:

1. Any person desiring to have a fuel approved may submit an application. The application shall contain the following information:

A. Name, address, and telephone number of applicant;

B. Trade name or other designation of fuel;

C. Chemical composition of fuel;

D. The composition and quality of air contaminants given off per unit of fuel; and,

E. The expected use of the fuel.

2. The Department may require that samples be made by the applicant and may require that samples of the fuel be submitted for testing to the Department of Agriculture and Consumer Services.

3. The Department shall not approve any fuel which emits excessive visible emissions when burned in the proper manner.

4. The Department may approve a fuel on condition that it be used for certain specified purposes and in a certain specified manner.

(b) Outdoor heating devices:

1. Any person desiring to have an outdoor heating device approved may submit an application. The application shall contain the following information:

A. Name, address, and telephone number of applicant;

B. Trade name or other designation of the device;

C. Brief description of the device;

D. Type of fuel that is used in the device; and,

E. The composition and quantity of air contaminants given off by the device when in operation.

2. The Department may require that a test of the performance of a representative device be conducted by the applicant.

3. The Department shall not approve any outdoor heating device which emits more than five-tenths gram per minute of unconsumed solid carbonaceous matter or particulate matter.

4. The Department may approve the device on specified conditions and may limit the approval to a specified period of time.

(c) Any applicant who has been denied approval for a fuel or an outdoor heating device shall, upon request, be granted a public hearing. After the hearing, the Department shall affirm or modify the denial or set it aside and approve the fuel or device.

General Authority 403.061(7) and (16) FS. Law Implemented 403.021, 403.031, 403.061 FS. History - New 7-1-71.

FEDERALLY PROMULGATED

REGULATIONS

(6.0) 52.524 Compliance Schedules.

(a) The requirements of 51.15(c) of this chapter are not met since compliance schedules with adequate increments of progress have not been submitted for every source for which they are required.

(b) Federal compliance schedules.

(1) Except as provided in subparagraph (6) of this paragraph, the owner or operator of any stationary source subject to the following emission limiting regulations in the Florida implementation plan shall comply with the compliance schedule in subparagraph (2) of this paragraph; Rules of the State of Florida, Department of Pollution Control, Air Pollution, subsections 17-2.04(2); 17-2.04(3); 17-2.04(6)(a); 17-2.04(6)(b); 17-2.04 (6)(d); 17-2.04(6)(e)2.a, 17-2.04(6)(e)3.b; 17-2.04(6)(f); and 17-2.04(6)(h).

(2) Compliance schedule.

(i) November 1, 1973--Submit to the Administrator a final control plan, which describes at a minimum the steps which will be taken by the source to achieve compliance with the applicable regulations.

(ii) January 1, 1974--Negotiate and sign all necessary contracts for emission control systems or process modifications, or issue orders for the purchase of component parts to accomplish emission control or process modification.

(iii) February 1, 1974--Initiate onsite construction or installation of emission control equipment or process modification.

(iv) May 1, 1975--Complete onsite construction or installation of emission control equipment or process modification.

(v) July 1, 1975--Achieve compliance with the applicable regulations, and certify such compliance to the Administrator.

(vi) If a performance test is necessary for a determination as to whether complaince has been achieved, such a test must be completed by July 1, 1975. Ten days prior to such a test, notice must be given to the Administrator to afford him the opportunity to have an observer present.

(vii) Five days after the deadline for completing increments (ii) through (iv) in this subparagraph, certify to the Administrator whether the increment has been met.

(3) Except as provided in subparagraph (6) of this paragraph, the owner or operator of any boiler or furnace of more than 250 million BTU per hour heat input subject to the requirements of the Rules of the State of Florida, Department of Pollution Control, Air Pollution, subsections 17-2.04(6)(e)2.c and d. contained as part of the Florida Implementation Plan shall notify the Administrator, no later than October 1, 1973, of his intent to utilize either low-sulfur fuel or stack gas desulfurization to meet these requirements.

(4) Any owner or operator of a stationary source subject to subparagraph (3) of this paragraph who elects to utilize low-sulfur fuel shall be subject to the following compliance schedule:

(i) November 1, 1973--Submit to the Administrator a projection of the amount of fuel, by types, that will be substantially adequate to enable compliance with the applicable regulation on July 1, 1975, and for at least one year thereafter.

(ii) December 31, 1973--Sign contracts with fuel suppliers for fuel requirements as projected above.

(iii) January 31, 1974--Submit a statement as to whether boiler modifications will be required. If modifications will be required, submit plans for such modifications.

(iv) March 15, 1974--Let contracts for necessary boiler modifications, if applicable.

(v) June 15, 1974--Initiate onsite modifications, if applicable.

(vi) March 31, 1975--Complete onsite modificatons, if applicable.

(vii) July 1, 1975--Achieve compliance with the requirements of Florida Air Pollution Rules subsections 17-2.04(6)(e)2.c. and d. and certify such compliance to the Administrator.

(viii) If a performance test is necessary for a determination as to whether compliance has been achieved, such a test must be completed by July 1, 1975. Ten days prior to such a test, notice must be given to the Administrator to afford him the opportunity to have an observer present.

(ix) Five days after the deadline for completing increments (ii) through (vi) of this subparagraph, certify to the Administrator whether the increment has been met.

(5) Any owner or operator subject to subparagraph (3) of this paragraph who elects to utilize stack gas desulfurization shall be subject to the compliance schedule in subparagraph (2) of this paragraph.

(6) (i) None of the above subparagraphs shall apply to a source which is presently in compliance with applicable regulations and which has certified such compliance to the Administrator by October 1, 1973. The Administrator may request whatever supporting information he considers necessary for proper certification.

(ii) Any compliance schedule adopted by the State and approved by the Administrator shall satisfy the requirements of this paragraph for the affected source.

(iii) Any owner or operator subject to a compliance schedule in this paragraph may submit to the Administrator no later than October 1, 1973, a proposed alternative compliance schedule. No such compliance schedule may provide for final compliance after the final compliance date in the applicable compliance schedule of this paragraph. If promulgated by the Administrator, such schedule shall satisfy the requirements of this paragraph for the affected source.

(7) Nothing in this paragraph shall preclude the Administrator from promulgating a separate schedule for any source to which the application of the compliance schedule in subparagraph (2) or (4) of this paragraph fails to satisfy the requirements of 51.15 (b) and (c) of this cahpter.

(c) The compliance schedule for the sources identified below are approved as meeting the requirements of 51.15 of this chapter. All regulations cited are air pollution control regulations of the State, unless otherwise noted.

(14.0) 52.525 Public Availability of Emission Data

(b) Regulation for public availability of emission data.

(1) Any person who cannot obtain emission data from the Agency responsible for making emission data available to the public, as specified in the applicable plan, concerning emissions from any source subject to emission limitations which are part of the approved plan may request that the appropriate Regional Administrator obtain and make public such data. Within 30 days after receipt of any such written request, the Regional Administrator shall require the owner or operator of any such source to submit information within 30 days on the nature and amounts of

emissions from such source and any other information as may be deemed necessary by the Regional Administrator to determine whether such source is in compliance with applicable emission limitations or other control measures that are part of the applicable plan.

(2) Commencing after the initial notification by the Regional Administrator pursuant to paragraph (b)(1) of this section, the owner or operator of the source shall maintain records of the nature and amounts of emissions from such source and any other information as may be deemed necessary by the Regional Administrator to determine whether such source is in compliance with applicable emission limitations or other control measures that are part of the plan. The information recorded shall be summarized and reported to the Regional Administrator, on forms furnished by the Regional Administrator, and shall be submitted within 45 days after the end of the reporting period. Reporting periods are January 1 - June 30 and July 1 - December 31.

(3) Information recorded by the owner or operator and copies of this summarizing report submitted to the Regional Administrator shall be retained by the owner or operator for 2 years after the date on which the pertinent report is submitted.

(4) Emission data obtained from owners or operators of stationary sources will be correlated with applicable emission limitations and other control measures that are part of the applicable plan and will be available at the appropriate regional office and at other locations in the state designated by the Regional Administrator.

(17.0) 52.530 Prevention of Significant Deterioration

(b) Definitions. For the purposes of this section:

(1) "Facility" means an identifiable piece of process equipment. A stationary source is composed of one or more pollutant-emitting facilities.

(2) The phrase "Administrator" means the Administrator of the Environmental Protection Agency or his designated representative.

(3) The phrase "Federal Land Manager" means the head, or his designated representative, of any Department or Agency of the Federal Government which administers federally-owned land, including public domain lands.

(4) The phrase "Indian Reservation" means any federally-recognized reservation established by Treaty, Agreement, Executive Order, or Act of Congress.

(5) The phrase "Indian Governing Body" means the governing body of any tribe, band, or group of Indians subject to the jurisdiction of the United States and recognized by the United States as possessing power of self-government.

(6) "Construction" means fabrication, erection or installation of a stationary source.

(7) "Commenced" means that an owner or operator has undertaken a continuous program of construction or modification or that an owner or operator has entered into a contractual obligation to undertake and complete, within a reasonable time, a continuous program of construction or modification.

(c) Area designation and deterioration increment

(1) The provisions of this paragraph have been incorporated by reference into the applicable implementation plans for various States, as provided in Subparts B through DDD of this part. Where this paragraph is so incorporated, the provisions shall also be applicable to all lands owned by the Federal Government and Indian Reservations located in such State. The provisions of this paragraph do not apply in those counties or other functionally equivalent areas that pervasively exceeded any national ambient air quality standards during 1974 for sulfur dioxide or particulate matter and then only with respect to such pollutants. States may notify the Administrator at any time of those areas which exceeded the national standards during 1974 and therefore are exempt from the requirements of this paragraph.

(2) (i) For purposes of this paragraph, areas designated as Class I or II shall be limited to the following increases in pollutant concentration occurring since January 1, 1975:

Pollutant	Area Designations: Class I (ug/m^3)	Area Designations: Class II (ug/m^3)
Particulate matter:		
Annual geometric mean	5	10
24-hr maximum	10	30
Sulfur dioxide:		
Annual arithmetic mean	2	15
24-hr maximum	5	100
3-hr maximum	25	700

(ii) For purposes of this paragraph, areas designated as Class III shall be limited to concentrations of particulate matter and sulfur dioxide no greater than the national ambient air quality standards.

(iii) The air quality impact of sources granted approval to construct or modify prior to January 1, 1975 (pursuant to the approved new source review procedures in the plan) but not yet operating prior to January 1, 1975, shall not be counted against the air quality increments specified in paragraph (c) (2) (i) of this section.

(3) (i) All areas are designated Class II as of the effective date of this paragraph. Redesignation may be proposed by the respective States, Federal Land Manager, or Indian Governing Bodies, as provided below, subject to approval by the Administrator.

(ii) The State may submit to the Administrator a proposal to redesignate areas of the State Class I, Class II, or Class III, provided that:

(a) At least one public hearing is held in or near the area affected and this public hearing is held in accordance with procedures established in 51.4 of this chapter, and

(b) Other States, Indian Governing Bodies, and Federal Land Managers whose lands may be affected by the proposed redesignation are notified at least 30 days prior to the public hearing, and

(c) A discussion of the reasons for the proposed redesignation is available for public inspection at least 30 days prior to the hearing and the notice announcing the hearing contains appropriate notification of the availability of such discussion, and

(d) The proposed redesignation is based on the record of the State's hearing, which must reflect the basis for the proposed redesignation, including consideration of (1) growth anticipated in the area, (2) the social, environmental, and economic effects of such redesignation upon the area being proposed for redesignation and upon other areas and States, and (3) any impacts of such proposed redesignation upon regional or national interests.

(e) The redesignation is proposed after consultation with the elected leadership of local and other substate general purpose governments in the area covered by the proposed redesignation.

(iii) Except as provided in paragraph (c) (3) (iv) of this section, a State in which lands owned by the Federal Government are located may submit to the Administrator a proposal to redesignate such lands Class I, Class II, or Class III in accordance with subdivision (ii) of this subparagraph provided that:

(a) The redesignation is consistent with adjacent State and privately owned land, and

(b) Such redesignation is proposed after consultation with the Federal Land Manager.

(iv) Notwithstanding subdivision (iii) of this subparagraph, the Federal Land Manager may submit to the Administrator a proposal to redesignate any Federal lands to a more restrictive designation than would otherwise be applicable provided that:

(a) The Federal Land Manager follows procedures equivalent to those required of States under paragraph (c) (3) (ii) and,

(b) Such redesignation is proposed after consultation with the State(s) in which the Federal Land is located or which border the Federal Land.

(v) Nothing in this section is intended to convey authority to the States over Indian Reservations where States have not assumed such authority under other laws nor is it intended to deny jurisdiction which States have assumed

under other laws. Where a State has not assumed jurisdiction over an Indian Reservation the appropriate Indian Governing Body may submit to the Administrator a proposal to redesignate areas Class I, Class II, or Class III, provided that:

(a) The Indian Governing Body follows procedures equivalent to those required of States under paragraph (c) (3) (ii) and,

(b) Such redesignation is proposed after consultation with the State(s) in which the Indian Reservation is located or which border the Indian Reservation and, for those lands held in trust, with the approval of the Secretary of the Interior.

(vi) The Administrator shall approve, within 90 days, any redesignation proposed pursuant to this subparagraph as follows:

(a) Any redesignation proposed pursuant to subdivisions (ii) and (iii) of this subparagraph shall be approved unless the Administrator determines (1) that the requirements of subdivisions (ii) and (iii) of this subparagraph have not been complied with, (2) that the State has arbitrarily and capriciously disregarded relevant considerations set forth in subparagraph (3) (ii) (d) of this paragraph, or (3) that the State has not requested and received delegation of responsibility for carrying out the new source review requirements of paragraphs (d) and (e) of this section.

(b) Any redesignation proposed pursuant to subdivision (iv) of this subparagraph shall be approved unless he determines (1) that the requirements of subdivision (iv) of this subparagraph have not been complied with, or (2) that the Federal Land Manager has arbitrarily and capriciously disregarded relevant considerations set forth in subparagraph (3) (ii) (d) of this paragraph.

(c) Any redesignation submitted pursuant to subdivision (v) of this subparagraph shall be approved unless he determines (1) that the requirements of subdivision (v) of this subparagraph have not been complied with, or (2) that the Indian Governing Body has arbitrarily and capriciously disregarded relevant considerations set forth in subparagraph (3) (ii) (d) of this paragraph.

(d) Any redesignation proposed pursuant to this paragraph shall be approved only after the Administrator has solicited written comments from affected Federal agencies and Indian Governing Bodies and from the public on the proposal.

(e) Any proposed redesignation protested to the proposing State, Indian Governing Body, or Federal Land Manager and to the Administrator by another State or Indian Governing Body because of the effects upon such protesting State or Indian Reservation shall be approved by the Administrator only if he determines that in his judgment the redesignation appropriately balances considerations of growth anticipated in the area proposed to be redesignated; the social, environmental and economic effects of such redesignation upon the area being redesignated and upon other areas and States; and any impacts upon regional or national interests.

(f) The requirements of paragraph (c) (3) (vi) (a) (3) that a State request and receive delegation of the new source review requirements of this section as a condition to approval of a proposed redesignation, shall include as a minimum receiving the administrative and technical functions of the new source review. The Administrator will carry out any required enforcement action in cases where the State does not have adequate legal authority to initiate such actions. The Administrator may waive the requirements of paragraph (c) (3) (vi) (a) (3) if the State Attorney-General has determined that the State cannot accept delegation of the administrative/technical functions.

(vii) If the Administrator disapproves any proposed area designation under this subparagraph, the State, Federal Land Manager or Indian Governing Body, as appropriate, may resubmit the proposal after correcting the deficiencies noted by the Administrator or reconsidering any area designation determined by the Administrator to be arbitrary and capricious.

(d) Review of new sources

(1) The provisions of this paragraph have been incorporated by reference into the applicable implementation plans for various States, as provided in Subparts B through DDD of this part. Where this paragraph is so incorporated, the requirements of this paragraph apply to any new or modified stationary source of the type identified below which has not commenced construction or modification prior to June 1, 1975 except as specifically provided below. A

source which is modified, but does not increase the amount of sulfur oxides or particulate matter emitted, or is modified to utilize an alternative fuel, or higher sulfur content fuel, shall not be subject to this paragraph.

(i) Fossil-Fuel Steam Electric Plants of more than 1000 million B.T.U. per hour heat input.

(ii) Coal Cleaning Plants.

(iii) Kraft Pulp Mills.

(iv) Portland Cement Plants.

(v) Primary Zinc Smelters.

(vi) Iron and Steel Mills.

(vii) Primary Aluminum Ore Reduction Plants.

(viii) Primary Copper Smelters.

(ix) Municipal Incinerators capable of charging more than 250 tons of refuse per 24 hour day.

(x) Sulfuric Acid Plants.

(xi) Petroleum Refineries.

(xii) Lime Plants.

(xiii) Phosphate Rock Processing Plants.

(xiv) By-Product Coke Oven Batteries.

(xv) Sulfur Recovery Plants.

(xvi) Carbon Black Plants (furnace process).

(xvii) Primary Lead Smelters.

(xviii) Fuel Conversion Plants.

(xix) Ferroalloy production facilities commencing construction after October 5, 1975.

(2) No owner or operator shall commence construction or modification of a source subject to this paragraph unless the Administrator determines that, on the basis of information submitted pursuant to subparagraph (3) of this paragraph:

(i) The effect on air quality concentration of the source or modified source, in conjunction with the effects of growth and reduction in emissions after January 1, 1975, of other sources in the area affected by the proposed source, will not violate the air quality increments applicable in the area where the source will be located nor the air quality increments applicable in any other areas. The analysis of emissions growth and reduction after January 1, 1975, of other sources in the areas affected by the proposed source shall include all new and modified sources granted approval to construct pursuant to this paragraph; reduction in emissions from existing sources which contributed to air quality during all or part of 1974; and general commercial, residential, industrial, and other sources of emissions growth not exempted by paragraph (c) (2) (111) of this section which has occurred since January 1, 1975.

(ii) The new or modified source will meet an emission limit, to be specified by the Administrator as a condition to approval, which represents that level of emission reduction which would be achieved by the application of best available control technology, as defined in 52.01 (f), for particulate matter and sulfur dioxide. If the Administrator determines that technological or economic limitations on the application of measurement methodology to a particular class of sources would make the imposition of an emission standard infeasible, he may instead prescribe a design or equipment standard requiring the application of best available control technology. Such standard shall to the degree possible set forth the emission reductions achievable by implementation of such design or equipment, and shall provide for compliance by means which achieve equivalent results.

(iii) With respect to modified sources, the requirements of subparagraph (2) (ii) of this paragraph shall be applicable only to the facility or facilities from which emissions are increased.

(3) In making the determinations required by paragraph (d) (2) of this section, the Administrator shall, as a minimum, require the owner or operator of the source subject to this paragraph to submit: site information, plans, description, specifications, and drawings showing the design of the source; information necessary to determine the impact that the construction or modification will have on sulfur dioxide and particulate matter air quality levels; and any other information necessary to determine that best available control technology will be applied. Upon request of the Administrator, the owner or operator of the source shall provide information on the nature and extent of general commercial, residential, industrial, and other growth which has occurred in the area affected by the source's emissions (such area to be specified by the

Administrator) since January 1, 1975.

(4) (i) Where a new or modified source is located on Federal Lands, such source shall be subject to the procedures set forth in paragraphs (d) and (e) of this section. Such procedures shall be in addition to applicable procedures conducted by the Federal Land Manager for administration and protection of the affected Federal Lands. Where feasible, the Administrator will coordinate his review and hearings with the Federal Land Manager to avoid duplicate administrative procedures.

(ii) New or modified sources which are located on Indian Reservations shall be subject to procedures set forth in paragraphs (d) and (e) of this section. Such procedures shall be administered by the Administrator in cooperation with the Secretary of the Interior with respect to lands over which the State has not assumed jurisdiction under other laws.

(iii) Whenever any new or modified source is subject to action by a Federal Agency which might necessitate preparation of an environmental impact statement pursuant to the National Environmental Policy Act (42 U.S.C. 4321), review by the Administrator conducted pursuant to this paragraph shall be coordinated with the broad environmental reviews under that Act, to the maximum extent feasible and reasonable.

(5) Where an owner or operator has applied for permission to construct or modify pursuant to this paragraph and the proposed source would be located in an area which has been proposed for redesignation to a more stringent class (or the State, Indian Governing Body, or Federal Land Manager has announced such consideration), approval shall not be granted until the Administrator has acted on the proposed redesignation.

(e) Procedures for public participation

(1) (i) Within 20 days after receipt of an application to construct, or any addition to such application, the Administrator shall advise the owner or operator of any deficiency in the information submitted in support of the application. In the event of such a deficiency, the date of receipt of the application for the purpose of paragraph (e) (1) (ii) of this section shall be the date on which all required information is received by the Administrator.

(ii) Within 30 days after receipt of a complete application, the Administrator shall:

(a) Make a preliminary determination whether the source should be approved, approved with conditions, or disapproved.

(b) Make available in at least one location in each region in which the proposed source would be constructed, a copy of all materials submitted by the owner or operator, a copy of the Administrator's preliminary determination and a copy or summary of other materials, if any, considered by the Administrator in making his preliminary determination; and

(c) Notify the public, by prominent advertisement in newspaper of general circulation in each region in which the proposed source would be constructed, of the opportunity for written public comment on the information submitted by the owner or operator and the Administrator's preliminary determination on the approvability of the source.

(iii) A copy of the notice required pursuant to this subparagraph shall be sent to the applicant and to officials and agencies having cognizance over the locations where the source will be situated as follows: State and local air pollution control agencies, the chief executive of the city and county; any comprehensive regional land use planning agency; and any State, Federal Land Manager or Indian Governing Body whose lands will be significantly affected by the source's emissions.

(iv) Public comments submitted in writing within 30 days after the date such information is made available shall be considered by the Administrator in making his final decision on the application. No later than 10 days after the close of the public comment period, the applicant may submit a written response to any comments submitted by the public. The Administrator shall consider the applicant's response in making his final decision. All comments shall be made available for public inspection in at least one location in the region in which the source would be located.

(v) The Administrator shall take final action on an application within 30 days after the close of the public comment period. The Administrator shall notify the applicant in writing of his approval, conditional approval, or denial of the application, and shall set forth his reasons for conditional approval or denial. Such notification shall be made available for public inspection in at least one location in the region in which the source would be located.

(vi) The Administrator may extend each of the time periods specified in paragraph (e) (1) (ii), (iv), or (v) of this section by no more than 30 days or such other period as agreed to by the applicant and the Administrator.

(2) Any owner or operator who constructs, modifies, or operates a stationary source not in accordance with the application, as approved and conditioned by the Administrator, or any owner or operator of a stationary source subject to this paragraph who commences construction or modification after June 1, 1975, without applying for and receiving approval hereunder, shall be subject to enforcement action under section 113 of the Act.

(3) Approval to construct or modify shall become invalid if construction or expansion is not commenced within 18 months after receipt of such approval or if construction is discontinued for a period of 18 months or more. The Administrator may extend such time period upon a satisfactory showing that an extension is justified.

(4) Approval to construct or modify shall not relieve any owner or operator of the responsibility to comply with the control strategy and all local, State, and Federal regulations which are part of the applicable State Implementation Plan.

(f) Delegation of authority

(1) The Administrator shall have the authority to delegate responsibility for implementing the procedures for conducting source review pursuant to paragraphs (d) and (e), in accordance with subparagraphs (2), (3), and (4) of this paragraph.

(2) Where the Administrator delegates the responsibility for implementing the procedures for conducting source review pursuant to this section to any Agency, other than a regional office of the Environmental Protection Agency, the following provisions shall apply:

(i) Where the agency designated is not an air pollution control agency, such agency shall consult with the appropriate State and local air pollution control agency prior to making any determination required by paragraph (d) of this section. Similarly, where the agency designated does not have continuing responsibilities for managing land use, such agency shall consult with the appropriate State and local agency which is primarily responsible for managing land use prior to making any determination required by paragraph (d) of this section.

(ii) A copy of the notice pursuant to paragraph (e) (1) (ii) (c) of this section shall be sent to the Administrator through the appropriate regional office.

(3) In accordance with Executive Order 11752, the Administrator's authority for implementing the procedures for conducting source review pursuant to this section shall not be delegated, other than to a regional office of the Environmental Protection Agency, for new or modified sources which are owned or operated by the Federal government or for new or modified sources located on Federal lands; except that, with respect to the latter category, where new or modified sources are constructed or operated on Federal lands pursuant to leasing or other Federal agreements, the Federal land Manager may at his discretion, to the extent permissible under applicable statutes and regulations, require the lessee or permittee to be subject to a designated State or local agency's procedures developed pursuant to paragraphs (d) and (e) of this section.

(4) The Administrator's authority for implementing the procedures for conducting source review pursuant to this section shall not be redelegated, other than to a regional office of the Environmental Protection Agency, for new or modified sources which are located on Indian reservations except where the State has assumed jurisdiction over such land under other laws, in which case the Administrator may delegate his authority to the States in accordance with subparagraphs (2), (3), and (4) of this paragraph.

(39 FR 42514, Dec. 5, 1974; 40 FR 2802, Jan. 16, 1975, as amended at 40 FR 24535, June 9, 1975; 40 FR 25005, June 12, 2975; 40 FR 42012, Sept. 10, 1975)